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**BEFORE THE TENNESSEE REGULATORY AUTHORITY
T.R.A. DOCKET ROOM
NASHVILLE, TENNESSEE**

November 13, 2003

IN RE:)
)
RBS GAS UTILITY, INC.) **Docket No. 03-00389**
ACTUAL COST ADJUSTMENT (ACA) AUDIT)

**NOTICE OF FILING BY THE ENERGY AND WATER DIVISION OF THE
TENNESSEE REGULATORY AUTHORITY**


Pursuant to Tenn. Code Ann. §§ 65-4-104, 65-4-111 and 65-3-108, the Energy and Water Division of the Tennessee Regulatory Authority (the "Energy and Water Division") hereby gives notice of its filing of the RBS Gas Utility, Inc., ACA Audit Report in this docket and would respectfully state as follows:

1. The present docket was opened by the Authority to hear matters arising out of the audit of RBS Gas Utility, Inc. (the "Company").
2. The Company's ACA filing was received on June 4, 2003 and the Staff completed its audit of same on October 28, 2003.
3. On October 29, 2003, the Energy and Water Division issued its preliminary ACA audit findings to the Company. The Company failed to respond to the audit findings.
4. The preliminary ACA audit report was modified to reflect the Company's non-response and a final ACA audit report (the "Report") resulted therefrom. The Report is attached hereto as Exhibit A and is fully incorporated herein by this reference. The Report

contains the audit findings of the Energy and Water Division, and the recommendations of the Energy and Water Division in connection therewith.

5. The Energy and Water Division hereby files its Report with the Tennessee Regulatory Authority for deposit as a public record and approval of the recommendations and findings contained therein.

Respectfully Submitted:


Pat Murphy
Energy and Water Division of the
Tennessee Regulatory Authority

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of November 2003 a true and exact copy of the foregoing has been either hand-delivered or delivered via U.S. Mail, postage pre-paid, to the following persons:

Deborah Taylor Tate, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Mr. Edward R. Ayers, President
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Pat Murphy

EXHIBIT A

RBS GAS UTILITY, INC.

COMPLIANCE AUDIT REPORT OF ACTUAL COST ADJUSTMENT

Docket #03-00389

**PREPARED BY:
TENNESSEE REGULATORY AUTHORITY
ENERGY AND WATER DIVISION**

NOVEMBER 2003

RBS GAS UTILITY, INC.

**COMPLIANCE AUDIT REPORT OF
ACTUAL COST ADJUSTMENT**

DOCKET NO. 03-00389

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I. INTRODUCTION

The subject of this audit is RBS Gas Utility, Inc.'s ("Company" or "RBS") compliance with the Actual Cost Adjustment and Refund Adjustment of the Purchased Gas Adjustment Rule ("PGA Rule") of the Tennessee Regulatory Authority ("TRA" or the "Authority"). The objective of the audit was to determine whether the Purchased Gas Adjustments, which are encompassed by the Actual Cost Adjustment ("ACA")¹, for the twelve (12) months ended February 28, 2003, were calculated correctly and were supported by appropriate source documentation.

II. AUDIT OPINION

On June 4, 2003, Staff received RBS's ACA filing supporting the activity in its deferred gas cost account ("ACA account") for the period March 1, 2002 through February 28, 2003. For the period under audit, this ACA filing showed \$148,084.51 in total gas costs, with \$142,958.18 being recovered from customers through rates. Adding a beginning balance in the ACA account of **negative** \$2,040.53 in over-collected gas costs from the preceding ACA period and interest due from customers for the current period of \$460.94 resulted in an ACA balance at February 28, 2003 of **\$3,546.75 in under-recovered gas costs**.² Small gas companies, such as RBS, do not automatically surcharge or refund the balance in the ACA account until the Staff's audit is complete and the surcharge or refund factor is approved by the TRA.³

Staff's audit resulted in six (6) findings.⁴ The net amount of these findings is a **negative \$1,847.43 in over-recovered gas costs**. Staff's correction of the Company's reported February 28, 2003 balance of \$3,546.75 produced an ending balance in the ACA account of **\$1,699.31 in under-recovered gas costs**.⁵ The amount of the Company's errors represents approximately 1.2 percent of its total gas invoices, and is therefore immaterial by comparison. Therefore, Staff concludes that except for the findings noted in this report, RBS is correctly implementing its Purchased Gas Adjustment Rider as calculated in the Actual Cost Adjustment, in accordance with the TRA rules for RBS Gas Utility.⁶

¹ The ACA is more fully described in Section V.

² A summary of the ACA account can be found in Section VII.

³ For Staff's recommendations regarding a surcharge factor and other recommendations, see Section VIII.

⁴ Refer to Section VII for a description of the findings.

⁵ Company's \$3,546.75 balance reduced by Staff findings of \$1,847.43.

⁶ Refer to Section VIII for Staff's recommendations for the Company's improvement in its ACA reporting.

III. BACKGROUND INFORMATION ON COMPANY AND GAS SUPPLIERS

Ownership of RBS Gas Utility was transferred from W.E. and Dianne Hathorn to Edward R. Ayers on December 26, 2002. The application for transfer was filed on July 2, 2003 and approved by the Authority on September 8, 2003.

RBS serves the city of Red Boiling Springs, Tennessee, which is located in Macon County. The Company's corporate office, however, is in Madison, Mississippi. As a gas distributor it has approximately 230 customers and an annual sales volume of approximately 26,000 MCF.

The natural gas used to serve this area is provided through long-term contracts with a nonaffiliated third party that transports gas via the TETCO pipeline to the city gate.

IV. JURISDICTION OF THE TENNESSEE REGULATORY AUTHORITY

Tennessee Code Annotated (T.C.A.) gave jurisdiction and control over public utilities to the Tennessee Regulatory Authority. T.C.A. §65-4-104 states that:

The [A]uthority has general supervisory and regulatory power, jurisdiction, and control over all public utilities, and also over their property, property rights, facilities, and franchises, so far as may be necessary for the purpose of carrying out the provisions of this chapter.

Further, T.C.A. §65-4-105 grants the same power to the Authority with reference to all public utilities within its jurisdiction as chapters 3 and 5 of Title 65 of the T.C.A. have conferred on the Department of Transportation's oversight of the railroads or the Department of Safety's oversight of transportation companies. By virtue of T.C.A. §65-3-108, this power includes the right to audit:

The department is given full power to examine the books and papers of the companies, and to examine, under oath, the officers, agents, and employees of the companies and any other persons, to procure the necessary information to intelligently and justly discharge its duties and carry out the provisions of this chapter and chapter 5 of this title.

The Energy and Water Division of the TRA is responsible for auditing those energy and water utilities under the Authority's jurisdiction to ensure that each company is abiding by Tennessee statute as well as the Rules and Regulations of the Authority. Pat Murphy of the Energy and Water Division conducted this audit.

V. DESCRIPTION OF PURCHASED GAS ADJUSTMENT RULE

The PGA Rule can be found in Chapter 1220-4-7 of the Rules of the Tennessee Regulatory Authority. The PGA Rule permits a gas company to recover, in a timely fashion, the total cost of gas purchased for delivery to its customers and to assure that a company does not over-collect or under-collect gas costs from its customers. The PGA consists of three major components:

- 1) The Actual Cost Adjustment (ACA)**
- 2: The Gas Charge Adjustment (GCA)**
- 3) The Refund Adjustment (RA)**

The ACA is the difference between the revenues billed customers by means of the GCA and the cost of gas invoiced the Company by suppliers plus margin loss (if allowed by order of the TRA in another docket) as reflected in the Deferred Gas Cost account. The ACA then "true-up" the difference between the actual gas costs and the gas costs recovered from customers through a surcharge or a refund. The RA refunds the "true-up" along with other supplier refunds. For a more complete definition of the GCA and RA, please see the PGA Formula in Appendix A to this report.

Section 1220-4-7-.03(2) of the PGA Rule requires:

Each year, the Company shall file with the [Authority] an annual report reflecting the transactions in the Deferred Gas Cost Account. Unless the [Authority] provides written notification to the Company within one hundred eighty (180) days from the date of filing the report, the Deferred Gas Cost Adjustment Account shall be deemed in compliance with the provisions of these Rules. This 180-day notification period may be extended by mutual consent of the Company and the [Authority] Staff or by order of the [Authority].

VI. SCOPE OF ACTUAL COST ADJUSTMENT AUDIT

The ACA audit is a limited compliance audit of RBS's ACA account. The audit goal was to verify that the Company's calculations of gas costs incurred and recovered were materially correct,⁷ and that the Company is following all Authority orders and directives with respect to its calculation of the ACA account balance. Refer to the ACA Account detail provided in Section VII, Summary of ACA Account.

To accomplish the audit goal, Staff reviewed gas supply invoices, as well as supplemental schedules and other source documentation provided by the Company. Where appropriate, Staff requested additional information to clarify the filing. Staff also audited a sample of customer bills to determine if the proper tariff rates, as well as PGA and ACA rates were applied in the Company's calculation of customer bills during the twelve month audit period. After recalculating each sample bill, Staff determined that the Company's calculation methods are correct.

⁷ The audit goal is not to guarantee that the Company's results are 100% correct. Where it is appropriate, Staff utilizes sampling techniques to determine whether the Company's calculations are materially correct. Material discrepancies would dictate a broadening of the scope of Staff's review.

VII. ACA AUDIT FINDINGS

The result of the Staff's audit was a **net over-recovery of \$1,847.43**, which had the net effect of decreasing the Company's under-recovery balance in the ACA account by this amount. A summary of the account as filed by the Company and as adjusted by the Staff is shown below, followed by a detail of each finding.

SUMMARY OF THE ACA ACCOUNT:⁸

Line No.		Company (as filed)	Staff (as corrected)	Difference (Findings)
1	Beginning Balance at 03/01/02	\$ -2,040.53	\$ -3,890.45	\$-1,849.92
2	<u>Activity During Current Period:</u>			
3	Plus Gas Costs	\$148,084.51	\$142,695.58	\$-5,388.93
4	Minus Recoveries inc. in Base Rates	82,243.41	82,243.41	0.00
5	Minus ACA Recoveries	-1,120.42	-7,365.71	-6,245.29
6	Minus PGA Recoveries	<u>61,835.19</u>	<u>62,376.02</u>	<u>540.83</u>
7	Ending Balance before Interest (line 1 + line 3 – line 4 – line 5 – line 6)	\$ 3,085.80	\$ 1,551.41	\$-1,534.39
8	Plus Interest	<u>460.94</u>	<u>147.90</u>	<u>-313.04</u>
9	Ending Balance Including Interest at 02/28/03 (line 7 + line 8)	<u>\$ 3,546.75</u>	<u>\$ 1,699.31</u>	<u>\$-1,847.43</u>

SUMMARY OF FINDINGS:

FINDING #1	Customer Charge		No effect
FINDING #2	Beginning Balance	\$-1,849.92	Over-recovery
FINDING #3	Invoiced Gas Costs	-5,388.93	Over-recovery
FINDING #4	ACA Recoveries	6,245.29	Under-recovery
FINDING #5	PGA Recoveries	-540.83	Over-recovery
FINDING #6	Interest Calculation	<u>-313.04</u>	Over-recovery
Net Results		<u>\$-1,847.43</u>	Over-recovery

⁸ A negative number represents an over-recovery (or over-collection) of gas costs.

FINDING #1:

Exception

The Company did not bill the monthly customer charge to some customers.

Discussion

During an audit of customer bills, Staff discovered that, of the sample reviewed, the Company failed to bill the monthly customer charge of \$5.00 to four (4) customers. These four (4) were comprised of a church, a school, a government agency and a hospital. The Company's tariff does not make these exceptions. This error did not affect the balance in the ACA Account.

Company Response

The Company failed to respond to the Staff's finding.⁹

⁹ Staff forwarded its draft findings to the owner of RBS and made multiple attempts to contact him prior to the issuance of this report. Staff received no response.

FINDING #2:

Exception

The Company used an incorrect Beginning Balance to calculate the balance in the ACA Account as of February 28, 2003.

Discussion

In the audit report for the period covering the 12-months ending February 28, 2002, Staff stated that the correct ending balance for the audit period was negative \$3,890.45.¹⁰ The Company used negative \$2,040.53, which was the ending balance before adding the interest due to customers of negative \$1,849.92. This error resulted in a **\$1,849.92 over-recovery** in the ACA Account.

Company Response

The Company failed to respond to the Staff's finding.

¹⁰ TRA Docket No. 02-00362, page 7 of Staff's audit report.

FINDING #3:

Exception

The Company reported incorrect gas costs for the month of March 2002.

Discussion

The Woodward Marketing invoice for gas purchases for March 2002 was \$18,522.00. While the Company showed this amount on its spreadsheet, Staff determined that the Company actually used \$23,910.93 in its calculation of a \$3,085.80 balance, before interest, and in its calculation of \$460.94 in interest, for a net balance at February 28, 2003 of \$3,546.75. Using the correct invoice amount for March 2002 results in a **\$5,388.93 over-recovery** in the ACA Account.

Company Response

The Company failed to respond to the Staff's finding.

FINDING #4:

Exception

The Company used an incorrect ACA factor to calculate the ending balance in the ACA Account at February 28, 2003.

Discussion

For the months of August 2002 through February 2003, the Company used a positive \$0.1565 factor (surcharge) to calculate the ACA recoveries each month. The correct ACA factor calculated in Docket No. 02-00362 was a negative \$0.1565 (refund). Correcting this error resulted in a **\$6,245.29 under-recovery** in the ACA Account.

While the Company used an incorrect factor in calculating the ending balance in the ACA Account, Staff's customer bill audit revealed that the correct factor was actually charged to the customers. The error cited in this finding is a reporting error.

Company Response

The Company failed to respond to the Staff's finding.

FINDING #5:

Exception

The Company used an incorrect PGA factor to calculate the ending balance in the ACA Account at February 28, 2003.

Discussion

For the months of March 2002 through June 2002, the Company used a positive \$2.6095 factor (surcharge) to calculate the PGA recoveries each month. The correct PGA factor calculated in Tariff Filing No. 01-00584 was a positive \$2.71230. Correcting this error resulted in a **\$540.83 over-recovery** in the ACA Account.

While the Company used an incorrect factor in calculating the ending balance in the ACA Account, Staff's customer bill audit revealed that the correct factor was actually charged to the customers. The error cited in this finding is a reporting error.

Company Response

The Company failed to respond to the Staff's finding.

FINDING #6:

Exception

The Company calculated the wrong interest amount.

Discussion

Two errors contributed to the \$313.04 over-recovery of interest from customers. The Company used incorrect interest rates in its calculations for the first and second quarter of 2002 and the first quarter of 2003. The following compares the rates used by the Company compared to the correct rates. The PGA Rule describes the correct method for calculating interest on account balance for the deferred gas account (ACA Account). The TRA Staff calculates this rate quarterly and notifies all companies under its jurisdiction of the correct rates to use. There is no reason for a Company to deviate from these rates. The error resulted in a **\$2.37 under-recovery** in the ACA Account.

Quarter	Rate Used by Company	Rate Prescribed by TRA
1 st Q 2002	4.75%	5.64%
2 nd Q 2002	4.75%	4.78%
1 st Q 2003	4.65%	4.62%

The second error resulted from the other findings noted. Staff recalculated the interest after correcting all findings. The difference was a **\$315.41 over-recovery** in the ACA Account.

Company Response

The Company failed to respond to the Staff's finding.

VIII. CONCLUSIONS AND RECOMMENDATIONS

The corrected balance in the ACA account as of February 28, 2003 is **\$1,699.31 in under-recovered (under-collected) gas costs**. Staff's calculation of this balance is shown in the **Summary of the ACA Account in Section VII**. This balance is the sum of \$5,441.86 in under-collected gas costs for the period, \$147.90 in interest due from customers, and -\$3,890.45 in the over-collected beginning balance at March 1, 2002. Spreading the \$1,699.31 balance over the 12 month-to-date February 2003 sales of 25,621 MCF produces an **ACA adjustment factor of \$0.0663 (surcharge) per MCF**. Therefore, **RBS's new billing rate is \$9.9291 per MCF for residential and commercial customers**. It is composed of \$7.50 base rate plus the currently approved \$2.3628 purchased gas adjustment plus the new \$0.0663 ACA adjustment. For **Industrial customers**, the new billing rate is **\$8.9291** ($\$6.50 + \$2.3628 + \0.0663). The new rates should be implemented with the Company's November 2003 billing.

Most of the Company's errors were made in calculating the correct balance in the ACA account as of February 28, 2003. Since the Staff's audit of customer bills revealed that customers were being billed appropriately, the errors have not affected the PGA process. The Company does not surcharge or refund ACA account balances until they have been audited by TRA Staff; therefore, no errors in billing occurred.

Staff would strongly recommend that the new owner of RBS meet with Staff at a mutually convenient time and receive instruction on proper procedures for calculation and presentation of the ACA account balance before the next filing is due, in order to minimize the types of errors discovered in this filing.

APPENDIX A

PGA FORMULA

The computation of the GCA can be broken down into the following formulas:

$$\text{Firm GCA} = \frac{D + \text{DACA}}{\text{SF}} - \text{DB} + \frac{P + T + \text{SR} + \text{CACA}}{\text{ST}} - \text{CB}$$

$$\text{Non-Firm GCA} = \frac{P + T + \text{SR} + \text{CACA}}{\text{ST}} - \text{CB}$$

where

- GCA = The Gas Charge Adjustment in dollars per Ccf/Therm, rounded to no more than five decimal places.
- D = The sum of all fixed Gas Costs.
- DACA = The demand portion of the ACA.
- P = The sum of all commodity/gas charges.
- T = The sum of all transportation charges.
- SR = The sum of all FERC approved surcharges.
- CACA = The commodity portion of the ACA.
- DB = The per unit rate of demand costs or other fixed charges included in base rates in the most recently completed general rate case (which may be zero if the Company so elects and the Commission so approves).
- CB = The per unit rate of variable gas costs included in base rates in the most recently completed general rate case (which may be zero if the Company so elects and the Commission so approves).
- SF = Firm Sales.
- ST = Total Sales.

The computation of the RA can be computed using the following formulas:

$$\text{Firm RA} = \frac{\text{DR1} - \text{DR2}}{\text{SFR}} + \frac{\text{CR1} - \text{CR2} + \text{CR3} + i}{\text{STR}}$$

$$\text{Non-Firm RA} = \frac{\text{CR1} - \text{CR2} + \text{CR3} + i}{\text{STR}}$$

where

- RA = The Refund Adjustment in dollars per Ccf/Therm, rounded to no more than five decimal places.
- DR1 = Demand refund not included in a currently effective Refund Adjustment, and received from suppliers by check, wire transfer, or credit memo.
- DR2 = A demand surcharge from a supplier not includable in the GCA, and not included in a currently effective Refund Adjustment.
- CR1 = Commodity refund not included in a currently effective Refund Adjustment, and received from suppliers by check, wire transfer, or credit memo.
- CR2 = A commodity surcharge from a supplier not includable in the GCA, and not included in a currently effective Refund Adjustment.
- CR3 = The residual balance of an expired Refund Adjustment.

- i = Interest on the "Refund Due Customers" account, using the average monthly balances based on the beginning and ending monthly balances. The interest rates for each calendar quarter used to compute such interest shall be the arithmetic mean (to the nearest one-hundredth of one percent) of the prime rate value published in the "Federal Reserve Bulletin" or in the Federal Reserve's "Selected Interest Rates" for the 4th, 3rd, and 2nd months preceding the 1st month of the calendar quarter.
- SFR = Firm sales as defined in the GCA computation, less sales under a transportation or negotiated rate schedule.
- STR = Total sales as defined in the GCA computation, less sales under a transportation or negotiated rate schedule.